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9
10 **BEFORE THE**
RESPIRATORY CARE BOARD
11 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

12 In the Matter of the Accusation Against:

Case No. R-2075

13 MIGUEL E. ZARAGOZA
36827 Golden Oak Drive
14 Palmdale, California 93552

A C C U S A T I O N

15 Respiratory Care Practitioner License No. 23684

16 Respondent.

17
18 Complainant alleges:

19 PARTIES

20 1. Stephanie Nunez (Complainant) brings this Accusation solely in her
21 official capacity as the Executive Officer of the Respiratory Care Board of California (Board),
22 Department of Consumer Affairs.

23 2. On or about July 7, 2004, the Board issued Respiratory Care Practitioner
24 License Number 23684 to Miguel E. Zaragoza (Respondent). This license was in full force and
25 effect at all times relevant to the charges brought herein and will expire on August 31, 2007,
26 unless renewed.

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3. This Accusation is brought before the Board under the authority of the

4. Section 3710 of the Code states: “The Respiratory Care Board of

5. Section 3718 of the Code states: “The board shall issue, deny, suspend,

“The board may order the denial, suspension or revocation of, or the imposition of
onary conditions upon, a license issued under this chapter, for any of the following

“(j) The commission of any fraudulent, dishonest, or corrupt act which is substantially related to the qualifications, functions, or duties of a respiratory care worker

“(k) Falsifying, or making grossly incorrect, grossly inconsistent, or unintelligible

7. Section 3755 of the Code states:

“The board may take action against any respiratory care practitioner who is

1 performed by anyone licensed as a respiratory care practitioner.”

2 COST RECOVERY

3 8. Section 3753.5, subdivision (a) of the Code states:

4 “In any order issued in resolution of a disciplinary proceeding before the board,
5 the board or the administrative law judge may direct any practitioner or applicant found to
6 have committed a violation or violations of law to pay to the board a sum not to exceed
7 the costs of the investigation and prosecution of the case.”

8 9. Section 3753.7 of the Code states:

9 “For purposes of the Respiratory Care Practice Act, costs of prosecution shall
10 include attorney general or other prosecuting attorney fees, expert witness fees, and other
11 administrative, filing, and service fees.”

12 10. Section 3753.1, subdivision (a) of the Code states:

13 “An administrative disciplinary decision imposing terms of probation may
14 include, among other things, a requirement that the licensee-probationer pay the monetary
15 costs associated with monitoring the probation.”

16 FIRST CAUSE FOR DISCIPLINE

17 (Commission of a Fraudulent, Dishonest, or Corrupt Act)

18 11. Respondent is subject to disciplinary action under Code section 3750,
19 subdivision (j), in that he committed a fraudulent, dishonest or corrupt act substantially related to
20 the qualifications, functions, or duties of a respiratory care practitioner. The circumstances are as
21 follows:

22 In 2006, Respondent worked as a respiratory care practitioner at Olive View
23 Medical Center (OVMC) through Reliable Health Care Services, Inc. (Reliable), a
24 registry. Respondent falsely documented in his Reliable time sheet records that he
25 worked at OVMC on the following dates: July 28, August 6, 24, 29, September 7, 12, 21,
26 October 1, 5, 10, 15, 24, 29 and November 2, 2006. He fraudulently received \$5,500.00
27 in compensation for time he did not work. Respondent was terminated from his
28 employment with Reliable. In his declaration to the Board signed under penalty of

1 perjury on February 26, 2007, Respondent admitted that he signed time sheets for time he
2 did not work.

3 SECOND CAUSE FOR DISCIPLINE

4 (False, Grossly Incorrect, Inconsistent or Unintelligible Entries in a Record)

5 12. Respondent is subject to disciplinary action under section 3750,
6 subdivision (k), of the Code, in that he falsified or made grossly incorrect, inconsistent or
7 unintelligible entries in any patient, hospital, or other record. The facts and circumstances set
8 forth in Paragraph 11 of this Accusation are incorporated herein by reference.

9 THIRD CAUSE FOR DISCIPLINE

10 (Unprofessional Conduct)

11 13. Respondent is subject to disciplinary action under 3755 of the Code in that
12 he engaged in unprofessional conduct in his practice as a respiratory care practitioner. The facts
13 and circumstances set forth in Paragraphs 11 and 12 of this Accusation are incorporated herein by
14 reference.

15 PRAYER

16 WHEREFORE, Complainant requests that a hearing be held on the matters herein
17 alleged, and that following the hearing, the Respiratory Care Board issue a decision:

18 1. Revoking or suspending Respiratory Care Practitioner License Number
19 23684 issued to Miguel E. Zaragoza;

20 2. Ordering Miguel E. Zaragoza to pay the Respiratory Care Board the costs
21 of the investigation and enforcement of this case, and if placed on probation, the costs of
22 probation monitoring; and

23 3. Taking such other and further action as deemed necessary and proper.

24 DATED: May 22, 2007

25 Original signed by Liane Zimmerman for:
26 STEPHANIE NUNEZ
27 Executive Officer
28 Respiratory Care Board of California
Department of Consumer Affairs
State of California
Complainant